



FREMONT PLANNING BOARD

February 13, 2008

Meeting Minutes

Approved February 20, 2008

Present: Chairman Roger Barham, Co-Chair and CC Rep. John (Jack) Karcz, Members Leon Holmes, Jr., John (Jack) Downing, Building Official Thom Roy, RPC Circuit Rider David West and Land Use AA/Recording Secretary Meredith Bolduc.

Mr. Barham called the meeting to order at 7:05 pm.

MINUTES

The minutes of the January 23, 2008 were not addressed as there were not enough members present who were at that meeting. They will be addressed at the next meeting.

JEREMY LENNON

Map 2 Lots 129-2, 3, 4, 5, 6: Rt 111A

Mr. Roy stated that he received a complaint that there has been some hauling of excavation material off the area of the old Angelini gravel pit on Rt 111A (Map 2 Lot 129 and 129-1, 2, 3, 4, 5, & 6) by the new owner, Jeremy Lennon. This is not a permitted gravel operation within the Town nor has the owner filed an Intent to Excavate application with the State of NH. Mr. Lennon has pulled a building permit for lot 129-2 and is taking material off lot 129-1. Mr. Roy stated that he does not believe that what Mr. Lennon is doing is exclusively incidental to the construction of a building and he is excavating on a lot that does not have a building permit. He added that there will be a cease and desist issued to Mr. Lennon. Mr. Roy pointed out that Article 3 Section 3.5.1 (a) of the current Fremont Excavation Regulations state in part that "activities exempt from the permit requirements include excavation that is exclusively incidental to the lawful construction or alteration of a building or structure or the construction or alteration of a parking lot or way including a driveway on a portion of the premises where the removal occurs; provided, however, that no such excavation shall be commenced without a permit under these Regulations unless all state and local permits required for the construction or alteration of the building, structure, parking lot, or way have been issued. Additionally Article 3 3.5.1(d) provides that in all cases under this part, the total volume of material must be limited to no more than three thousand (3,000) cubic yards.

There was a general conversation relative to the Lennon site. There are six existing adjoining 1 acre building lots that Mr. Lennon plans to develop. Mr. Roy stated that he is treating Mr. Lennon's 6 adjoining lots as an excavation site. RSA 155-E: 1-V describes an **excavation site** as "any area of contiguous land in common ownership upon which excavation takes place" and RSA 155-E: 1-VI describes an **excavation area** (in part) as "the surface area within an excavation site where excavation has occurred or is eligible to occur".

EXCAVATION REGULATIONS

There was a discussion relative to Article 3 Section 3.5.1 (a) of the current Fremont Excavation Regulations. The Members collectively agreed that 3,000 cu yds is a lot of material to be taken off a site. The State DRA mandates that an intent to excavate must be filed for 1,000 cu yds of material excavated. Mr. Roy suggested an amendment to the Excavation Regulations to clarify the "3000 cu yds" portion of the regulation which prompted a conversation relative to changing the allowed limit in the Excavation Regulations to 1,000 cu yds or eliminating a set amount altogether.

Mr. Roy reported that he has an excavation and reclamation checklist that is on the DRA website. He will forward that document to the Members for their review and possible inclusion in the Excavation Regulations.

GRAVEL PITS

There was a general conversation relative to moving the anniversary date for all excavation permit renewals to the late summer/early fall to allow for site visits to be done during decent weather conditions. The rationale for this change was that 5 of the 6 permitted gravel operations permits expire in the spring and the weather and ground conditions are usually not favorable for site visits 3 months prior to the expiration date as per the Fremont Excavation Regulations or for digging test pits as required.

JOHN GALLOWAY

Map 5 Lot 035

Mr. Barham reported that the Board received an excavation permit renewal application for 2008 from John Galloway. His permit expires on May 23, 2008. It was noted that Mr. Galloway has been notified of the Board's decision to require test pits or a benchmark which shows the seasonal high water table in the adjoining areas and demonstrates compliance with the 4' above the seasonal high water table (8' if the property is in the Aquifer Protection District). On February 5, 2008 Mr. Galloway spoke with Mrs. Bolduc in the Land Use Office and said that he will have a benchmark and corresponding report for the Board a couple of weeks ahead of his May 23, 2008 excavation renewal date. It was agreed that a site visit be conducted by Board Members at a later date when the ground is not so snow covered.

MERRILL, GEORGE/Fremont Park Associates

Map 4 Lot 015

Mr. Barham reported that the Board has received an application for an excavation permit renewal for 2008 from Fremont Park Associates (George, Gary and Jonathan Merrill). The renewal anniversary date is April 11, 2008. The Board has received correspondence from Gary Merrill relating that they have filled in the area which was low from last year and have recently dug new test pits for this year which will be forwarded to the Board. Mr. Roy stated that he witnessed the recent test pits and the current test pit data will show that they have not filled in the area that they were supposed to fill in. There is an area that has been brought up to the proper seasonal high water level, but that is not the area of concern last year.

The Board also received a January 23, 2008 correspondence from Timothy Peloquin of Promised Land Survey stating that he has performed field surveying on the property at Map 4 Lot 015 and has flagged and marked the corners of the property boundaries per a reference plan of the parcel on record at the Rockingham Registry of Deeds as plan #D-4977. The Members agreed to do a site visit at a later date when the ground is not so snow covered.

C.L. MAGNUSSON

Map 2 Lot 070

Mbr. Karcz reported that the Open Space Committee has evaluated the Magnusson property for Conservation purposes and have agreed that it did not score high enough to recommend it to go forward as a conservation easement or purchase.

GLEN OAKES FOREST AND WILDLIFE MANAGEMENT PLAN

Mrs. Bolduc reported that Fremont Conservation Commission member Janice O'Brien is in the process of applying for a grant through the New Hampshire Estuaries Project (NHEP) – Community Technical Assistance Program (CTAP) to help fund the existing Glen Oaks Forest and Wildlife Management Plan. She has offered that it would be helpful if it was documented that the Planning Board was in support of the project. It was explained that this is a plan that the Conservation Commission has contracted with forester Charles Moreno to complete and that the NHEP-CTAP now has grant monies available to help fund such projects.

Mr. Karcz made the motion to document that the Planning Board is in favor of the Glen Oaks Forest and Wildlife Management Plan.

Motion seconded by Mr. Holmes with unanimous favorable vote

MASTER PLAN

Natural Resources Chapter (NRI)

The Board reviewed a draft of the NRI text amendment for the Master Plan. Mr. Roy pointed out that the projection of 58 acres for residential/commercial in table 1 is not accurate and it was noted that table 2 needs to be updated. Mr. West suggested that table 1 could be changed from the 2001 Granit Land Cover to the 2008 information that he has assembled, but it would be more effective to leave the table in as it is a good tool to define forested lands and land cover. He suggested that he could write a paragraph to explain the information in table 1 and make it more meaningful. He also said that he will create a table that has the parcel base and the 2005 Land Use Map for the Land Use Chapter of the Master Plan. The Members agreed to both of Mr. West's suggestions.

It was agreed that this is not ready for Public Hearing and will be further reviewed at the next meeting. Copies of the draft will be sent to those Members who were not present tonight.

Mr. West related that the original application that he submitted to RPC in September 2007 that was supposed to be sent to the Community Technical Assistance Program (CTAP) for funding for the Housing Chapter of the Master Plan was misplaced at RPC. He has recently filled out a replacement application and has sent it off to Ansel Sanborn at CTAP for acceptance.

Energy Committee

Mr. Barham reported that the Board has received from Bob Larson the following that can be added as an Energy Chapter to the Master Plan.

- a) Reduce energy consumption in municipal facilities and activities through conservation and utilization of alternative and state of the art energy sources.
- b) Promote the use of alternative energy technology and conservation measures to the general public.
- c) Work with all departments and boards within the Town to develop procedures, codes, zoning, etc. which will comply with or exceed state and national standards pertaining to energy efficiency.
- d) Work with other public, private and quasi-government entities to share information regarding technology and statutory issues.
- a) Making allowances and providing incentives for alternative energy installations such as wind turbines, solar (active and passive), geothermal, fuel cell and combined cycle.
- b) Ensure that installation of alternative energy is not added to the owners assessed tax evaluation.
- c) Incorporate energy efficiency oriented building codes and incentives for new and existing structures. (eg. LEED ratings: USGBC certification)
- d) Consider pedestrian oriented planning.

Mr. Barham stated that he thinks this would be a good start for the Energy Chapter of the Master Plan and it could be formatted to conform to the document. The Members generally agreed. Copies of the draft will be sent to those Members who were not present tonight. Mr. Downing suggested that this information is something that could also be included in the Town Newsletter.

Implementation and Action Plan

The Board directed Mr. West to apply to CTAP for \$1,500 for funding to create an Implementation and Action Plan Chapter of the Master Plan.

MASTER PLAN STATUS

1. Land Use Chapter: The Board has agreed to update the Land Use Chapter of the Master Plan through the RPC Targeted Block Grant awarded for 2007 with a completion date of June 30, 2008.
2. Housing Chapter: Mr. West has applied for funds through the Community Technical Assistance Program (CTAP).
3. The Natural Resources Inventory Chapter: text is finished except for minor amendments. The maps have been updated. It will soon be added to those chapters for approved by the Board at a Public Hearing.
4. The Historical Resources Chapter: Is ready for approval and can be added to those chapters for approved by the Board at a Public Hearing.
5. The Recreation Chapter: pending amendment by the Recreation Committee.
6. The Transportation Chapter: RPC is contracted to update the Transportation Chapter of the Master Plan with the use of the available matching transportation funds. Completion date of June 30, 2008.
7. Community Facilities Chapter; Mr. West is still working on the Community Facilities Chapter, the deadline for this chapter was extended to December 31, 2007, but Mr. West

stated that he is still waiting for input by the Police Department and the School SAU office. Mr. West and Mrs. Bolduc will contact these departments again. Mr. West said that he thinks he has the worksheet/survey from the Highway Department, but will check at his office.

COMMUNITY TECHNICAL ASSISTANCE PROGRAM (CTAP) ASSESSMENT REPORT

Mr. West submitted copies of the draft of the Town of Fremont Community Assessment Report. The New Hampshire Department of Transportation (NH-DOT) initiated CTAP to provide support to communities projected to experience growth as a result of the Interstate 93 Expansion Project. The goal of the first phase of the program was to administer Community Assessments of the municipalities designated by the NHDOT as those most likely to be affected by the expected increase in population. The ultimate goal of the assessment process was to determine whether communities have policies and regulations in place to manage potential growth effectively.

This report includes:

History and Purpose, Process including a) community infrastructure and regional co-operation, b) environmental protection, land use and open space, c) downtowns, village centers and community vitality, and d) the local economy; Key Strengths, Key Recommendations, and Introduction. It also includes: Theme A – Community Infrastructure and Regional Co-operation, Goals and Findings including A-1) funding and delivering municipal services and regional co-operation, strengths and opportunities, housing strengths and opportunities, and transportation strengths and opportunities. Theme B – Environmental Protection, Land Use and Open Space, Goals and Findings, strengths and opportunities. Theme C – Downtown/Village Centers and Community Vitality, Goals and Findings, strengths and opportunities; Theme D – Local Economy, Goals and Findings including economic vitality and business development strengths and opportunities; and Agriculture and Working Landscapes strengths and opportunities.

The report summary states that the goal of the CTAP initiative was to develop a program to meet growth challenges. After evaluating and analyzing Fremont's planning documents, the RPC has determined that in many areas the Town of Fremont is already pursuing the goals of good planning identified by CTAP guidance documents. The RPC has come up with a list of opportunities for Fremont to use as planning tools and strategies to address potential future growth. This list is outlined in the report.

The Members took copies of the report to review at their leisure and it was agreed to continue the discussion of the report at the next meeting in conjunction with a power point presentation by Mr. West. The report will be sent to those Members who were not present tonight.

FLOOD ZONE/AQUIFER/FLOOD MAP

Mr. West submitted the new Flood Zone/Aquifer Protection Map, but this map was not overlaid with the zoning districts and another map will be submitted.

BUDGET

The Board received and reviewed the Planning and Zoning expenditure and revenue spread sheet for 2007. There was a conversation relative to the Budget Committee recommending a reduction in the professional services line and the postage line. Mrs. Bolduc noted that applications are down due to the economy so a reduction in the postage line is understandable, at least for this year. The Budget Committees recommended reduction from \$5,000 to \$3,500 for the professional services budget line, which is used to fund many of the updates to the Master Plan chapters and the CIP as well as other services that the Board may need throughout the year that are not part of matching grants was discussed. Mrs. Bolduc suggested that although only \$3,160 was spent in 2007 it may not be in the best interest of the Board and the Town to restrict the use of future professional services that may become available by reducing the line. It was noted also that whatever is not spent would be put back into the general fund, as it was this year.

SITE PLAN REVIEW REGULATIONS

Mr. Barham distributed a list of potential amendments to the Site Plan Review Regulations for the Board members to take home to review for the next meeting. They will also be sent to the members not present tonight.

CORRESPONDENCE

1. Notice of the April 26, 2008 Office of Energy and Planning 15th Annual Spring Planning & Zoning Conference. Information packets will be available by February 16, 2008.
2. NH DES Standard Dredge and Fill Application for Carsten Springer, Map 1 Lot 062 for a beaver control pipe that was constructed to replace an old wooden pipe at his property at the above referenced location. This was done by the State Trails Bureau and not by Mr. Springer and appears to be a State Agency interdepartmental. No action was taken.
3. Copy of a February 7, 2008 correspondence from Town Counsel to Daniel Perry relative to the outstanding Conservation Easement for the Scribner Estates subdivision.

Mr. Karcz made the motion to adjourn at 10:10 pm.

Motion seconded by Mr. Holmes with unanimous favorable vote.

Respectfully submitted,

Meredith Bolduc, Secretary